

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JOE PANICARO,

Plaintiff,

vs.

STOREY COUNTY, et al.

Defendants.

Case No. 3:20-cv-00506-RCJ-WGC

**ORDER**

Plaintiff sues Storey County and nine government officials under 42 U.S.C. § 1983 in connection with an arrest and a criminal prosecution. He filed this case on September 4, 2020. (ECF No. 1.) He filed a motion to have this case stayed pending the final resolution of the criminal prosecution, which he purports was ongoing at the time of the motion. (ECF No. 3.) In the motion, he requests that be excused from executing service until the requested stay is completed. (*Id.*) While a court should generally stay a § 1983 case where there is a possibility of inconsistent rulings in parallel criminal proceedings, *see Wallace v. Kato*, 549 U.S. 384, 393–94 (2007), this is an issue that should be litigated before the parties, *see, e.g., Beeman v. Drobney*, No. 20-4256, 2021 WL 641383, at \*2 (C.D. Ill. Jan. 28, 2021) (ordering a plaintiff to serve the defendants before ruling on the issue of a stay). The Court thus denies this motion at this time.

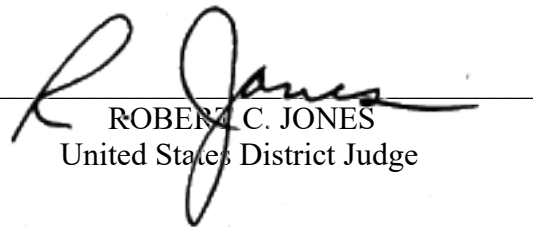
**CONCLUSION**

IT IS HEREBY ORDERED that Motion to Stay (ECF No. 3) is DENIED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that Plaintiff shall file proof of service on Defendants within ninety days of receipt of this Order.

IT IS SO ORDERED.

Dated September 7, 2021.

  
ROBERT C. JONES  
United States District Judge